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RIAD, AMINE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

Office Action Summary

Application No.

10/817,071

Applicant(s)

FISCHMAN ET AL.

Examiner

AMINE RIAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 7, 40 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Detailed Action

Claims 1-82 have been presented for examination.

Claims 1-82 have been rejected.

Claims 7, 40, 64 have been cancelled.

Examiner encourages Applicant to revisit claim 77 which recites "The system of claim 52". Examiner thinks that 52 is a typographical error because 52 is a computer readable medium of claim 34, whereas claim 77 branches out of claim 58. Correction is strongly recommended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 9, 10, 11, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25, 26, 37, 42, 43, 44, 47, 48, 49, 50, 52, 53, 54, 56, 57, 61, 66, 67, 68, 71, 72, 73, 74, 76, 77, 78, 80, 81, 34, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey U.S. Patent 6,466,895.

In regard to claims 1, 34, 58, 82

Kidder discloses a method for decision analysis and resolution, wherein an event is associated with a root cause, the method comprising the steps of:

- relating a solution to the event based on root cause; (Abstract; "An automated workflow system provides automated alarm report

dissemination and processing. The automated workflow system provides a graphical interface to view and manipulate alarms reports and to automatically create and handle **event reports** and trouble tickets. **The workflow system also allows network monitors to identify which network component within the network generated the alarm {this is the root cause}**”[Examiner considers handling an event report as solving the event])

- determining whether the solution can resolve the event automatically; (Column 4; lines 49-50 “ these tools automate network monitor such as ...and updating alarm report status to indicate which alarm reports have been cleared by the closing of an event”) [Examiner considers when a report is cleared, it is determined that the solution resolved the event]
- providing information for resolving the event to a user when the event cannot be resolved automatically. (Column 4; line 45 “creating trouble tickets against events”) Examiner considers a trouble ticket as information presented to the user for resolving the problem.]

Kidder does not disclose automatically resolving the event when the event can be resolved automatically.

Harvey teaches automatically resolving the event when the event can be resolved automatically. (Summary of the invention; “An advantage of the present invention is the ability to identify defects in a manufactured article, such as a semiconductor wafer, in a standardized qualitative manner, thereby allowing

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information relating to the defect to be easily linked to the defect, stored and searched. A further advantage of the present invention is the ability to include, in the identification of a defect, information relating to its cause, thereby enabling efficient identification of process problem areas, and the relation of defect causes to corrective action.") and Figure 8 (Column 8; lines 1-6 "Panel 850 presents causal information gathered from prior investigation. Panels 860 and 870 illustrate information linked to causal information 850, such as recommended corrective action and toll repair information. Panel 880 shows similar cases and their causes, and the resulting confidence level in the diagnosis of panel 850.")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate automatically resolving the event when the event can be resolved automatically; of Harvey into the decision analysis and resolution of Kidder.

A person of ordinary skill in the art would have been motivated to apply automatically resolving the event when the event can be resolved automatically of Harvey because as Harvey discloses in the background "There exists a need for methodology for in process inspection that identifies defects in a standardized way. There further exists a need for an inspection methodology that relates the tools visited by the wafers and reliability information of those tools to detected defects in order to readily identify the root causes of defects, thereby enabling early corrective action to be taken."

In regard to claims 4, 37, 61

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Kidder discloses the method of claim 1, wherein the step of relating a solution to a root cause includes interoperating with a trouble ticket system.(Column 4; lines 44-46 "These tools automate network monitor procedures such as creating events, assigning alarm reports to events, creating trouble tickets against events."
")

In regard to claims 9,42,66

Kidder discloses the method of claim 1, wherein the step of determining whether the solution can resolve the event automatically includes using object-oriented constructs. (Figure 4; Items 410 and 411 [a Graphical User Interface is object oriented])

In regard to claims 10,43,67

Kidder discloses the method of claim 1, wherein the step of determining whether the solution can resolve the event automatically includes allowing a user to prevent automated resolution. (Column 6; line 61 "as person, one skilled in the art will recognize that the functions of the network monitors may be alternatively provided, for example, by automated or **semi automated apparatus**")

In regard to claims 11, 44, 68

Kidder discloses the method of claim 1, wherein the step of automatically resolving the event includes providing information to a user by updating a trouble ticket. (Column 9; lines 35-36 "In addition to event reports, the event database 415 may also store and maintain trouble tickets")

In regard to claims 14, 47, 71

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Kidder discloses the method of claim 1, wherein the step of providing information for resolving the event to a user includes utilizing an object oriented model to define object constructs, wherein the constructs are then presented to the user. (Column 13; lines 18-21 " A network monitor after creating an event report can open a trouble ticket against that event report. This is done with the client GUI which provides functions for selecting event report and trouble ticket functions.")

In regard to claims 15, 48,72

Kidder discloses the method of claim 1, wherein the step of providing information for resolving the event to a user includes a visualization of the information for resolving the event. (Column 13; lines 21-22" The clients GUI also provides functions for comments, remarks, and activities." Examiner considers the comment remarks and activities as visualization)

In regard to claims 16,49,73

Kidder discloses the method of claim 1, wherein the step of providing information for resolving the event to a user includes a visualization of the information for resolving the event, wherein the visualization includes providing an overlay, wherein the overlay offers information about the event. (Figure 5)

In regard to claims 17, 50,74

Kidder discloses the method of claim 1, wherein the step of providing information for resolving the event to a user includes providing a searchable knowledge base. (Figure 4; item 415 [an event database is a searchable knowledge base])

In regard to claims 19,52,76

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Kidder discloses the method of claim 1, wherein the method is practiced in a network, further including the step of revising the network based on data generated while resolving the event. (Column 9; lines 3-4 "The workflow LCA automatically retrieves the alarm reports that are created by the network management system and that correspond to the created event report and enhances these alarm reports with network topology and site data")

In regard to claims 20, 53, 77

Kidder discloses the method of claim 19, wherein the step of revising the network includes revising a data store within the network based on the event resolution. (Column 13; lines 43-45 "As changes in status are received, the automated workflow system corresponding updates associated event and alarm reports")

In regard to claims 21, 54, 78

Kidder discloses the method of claim 1, wherein the method is practiced in a network, further including the step of distributing solutions in the network. (Summary "Alarm report which correspond to alarms generated by the telecommunication network, are provided by a network management system to network monitors. The network monitor can use the event report in resolving the alarm report") [Examiner considers resolving the different alarms coming from different part of the network as distributing resolution]

In regard to claims 23, 56, 80

Kidder discloses the method of claim 1, wherein the event is associated with a security fault. (Figure 3; item 301a network component could a firewall which is a

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security

component)

In regard to claims 24, 57, 81

Kidder discloses the method of claim 1, wherein the event is associated with a network operational fault.(Column 5; lines 34-36)

In regard to claim 25

Kidder discloses a network system configured to resolve network problem events correlated to root causes in an object-oriented environment, including:

- a resolution module configured to generate a proposed response to the detected event; (Figure 2; item 204)
- and a solution module configured to resolve the detected event using the proposed response, wherein the resolution module is configured to cooperate with the solution module to automatically implement the proposed response, (Figure 2; item 203) wherein the resolution module is configured to cooperate with the solution module to present the proposed response as a suggested response to resolve the detected event. (Column 6; lines 55-58)

In regard to claim 26

Kidder discloses the system of claim 25, further including a user input module configured to allow a network user to initiate implementation of the proposed response.(Column 6; lines 60-61)

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,35, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey U.S. Patent 6,466,895 and further in view of Valadarsky U.S. Patent 7,043,661.

Kidder/Harvey discloses the method for decision analysis and resolution of parent claims 1,34, and 58

Kidder does not disclose the step of relating a solution to a root cause includes utilizing a solutions catalog.

Valadarsky teaches that the step of relating a solution to a root cause includes utilizing a solution catalog. (Column 2; lines 39-41 "TRS stores its results in a history database. Users can review the decision it made, and the alarm groups it correlated, long after the faults that generated those decisions and alarm groups have been resolved") [Examiner considers the decision it made as solutions]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate utilizing a solution catalog of Valadarsky into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply utilizing a solution catalog of Valadarsky because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in

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network", additionally Valadarsky discloses "the present invention relates to apparatus and methods for fault management"

Claims 3, 36, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey, and further in view of Valadarsky U.S. Patent 7,043,661.

Kidder discloses the method for decision analysis and resolution of parent claims 1, 34, and 58.

Kidder does not disclose relating a solution to a root cause includes chaining a series of solution objects to the root cause

Valadarsky teaches relating a solution to a root cause includes chaining a series of solution objects to the root cause (Column 2; lines 12-13 "TRS uses graph traverse in order to find the root")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate chaining a series of solution object to the root cause of Valadarsky into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply chaining a series of solution object to the root cause of Valadarsky because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Valadarsky discloses, "the present invention relates to apparatus and methods for fault management"

Claims 8, 41, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Kidder U.S. Patent 6,445,774 in view of Harvey , and further in view of Valadarsky U.S Patent 7,043,661.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58

Kidder does not disclose the steps of determining whether the solution can resolve the event automatically includes determining whether a root cause has a statistically significant correlation with a defined set of tasks leading to a resolution of the event

Valadarsky teaches the steps of determining whether the solution can resolve the event automatically includes determining whether a root cause has a statistically significant correlation with a defined set of tasks leading to a resolution of the event. (Column 2; line 16)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate determining whether the solution can resolve the event automatically includes determining whether a root cause has a statistically significant correlation with a defined set of tasks leading to a resolution of the event of Valadarsky into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply utilizing whether the solution can resolve the event automatically includes determining whether a root cause has a statically significant correlation with a defined set of tasks leading to a resolution of the event of Valadarsky because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies

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in network", additionally Valadarsky discloses "the present invention relates to apparatus and methods for fault management"

Claims 5,38,62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S. Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose determining whether the solution can resolve the event automatically utilizes the intelligence and the relationships to evaluate the validity of the solution.

Paradies teaches determining whether the solution can resolve the event automatically utilizes the intelligence and the relationships to evaluate the validity of the solution (Figure 24; item = Corrective Action Helper)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate determining whether the solution can resolve the event automatically utilizes the intelligence and the relationships to evaluate the validity of the solution of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply utilizing whether the solution can resolve the event automatically utilizes the intelligence and the relationships to evaluate the validity of the solution of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is

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directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 6,39,63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58

Kidder does not disclose that the validity of the solution is based upon previous success in resolving the event and descriptions of the related root cause

Paradies teaches that the validity of the solution is based upon previous success in resolving the event and descriptions of the related root cause (Figure 22; item =comment editor)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate basing the solution upon previous success in resolving the event of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply basing the solution upon previous success in resolving the event of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying

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cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 8,41,65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S. Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1, 34, and 58.

Kidder does not disclose determining whether the solution can resolve the event automatically includes determining whether a root cause has a statically significant correlation with a defined set of tasks leading to a resolution of the event.

Paradies teaches determining whether the solution can resolve the event automatically includes determining whether a root cause has a statically significant correlation with a defined set of tasks leading to a resolution of the event. (Column 14; lines 35-40)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate determining whether the solution can resolve the event automatically includes determining whether a root cause has a statically significant correlation with a defined set of tasks leading to a resolution of the event of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply determining whether the solution can resolve the event automatically includes determining whether a root cause has a statically significant correlation with a

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defined set of tasks leading to a resolution of the event of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 12,45,69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose presenting the user with suggested corrective actions Paradies teaches presenting the user with suggested corrective actions (Column 3; lines 52-54 and figure 24)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate presenting the user with suggested corrective actions of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply presenting the user with suggested corrective actions of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for

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identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 13,46,70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose the step of providing information for resolving the event to a user includes evaluating the strength of relationships between a root cause construct and a resolution construct

Paradies teaches the step of providing information for resolving the event to a user includes evaluating the strength of relationships between a root cause construct and a resolution construct (Column 14; lines 54-59)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the strength of relationships between a root cause construct and a resolution construct of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply the strength of relationships between a root cause construct and a resolution construct of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

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Claims 22,27,55,79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose creating heuristics related to the solution, wherein the heuristics are configured to be available within the network to evaluate proposed solutions.

Paradies teaches creating heuristics related to the solution, wherein the heuristics are configured to be available within the network to evaluate proposed solutions. (Column 16; lines 65-67)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate creating heuristics related to the solution, wherein the heuristics are configured to be available within the network to evaluate proposed solutions of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply creating heuristics related to the solution, wherein the heuristics are configured to be available within the network to evaluate proposed solutions of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying

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cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 18,51,75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose providing information for resolving the event to a user includes presenting a probability, wherein the probability is indicative of the success of the solution.

Paradies teaches providing information for resolving the event to a user includes presenting a probability, wherein the probability is indicative of the success of the solution.(Column 14; lines 65-66 [the number is considered as an association probability])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate providing information for resolving the event to a user includes presenting a probability, wherein the probability is indicative of the success of the solution of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply providing information for resolving the event to a user includes presenting a probability, wherein the probability is indicative of the success of the solution of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in

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network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose that the heuristic module is configured to correlate proposed responses to successful and unsuccessful resolution of similar detected events.

Paradies teaches that the heuristic module is configured to correlate proposed responses to successful and unsuccessful resolution of similar detected events.(Column 14; lines 59-61)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring the heuristic module to correlate proposed responses to successful and unsuccessful resolutions of detected events of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply configuring the heuristic module to correlate proposed responses to successful and unsuccessful resolutions of detected events of Paradies because as Kidder discloses in the background "The present invention relates to the detection,

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reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claims 29, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose that the heuristic module is configured to solicit new responses to detected events based upon previous successful resolutions of similar detected events.

Paradies teaches that the heuristic module is configured to solicit new responses to detected events based upon previous successful resolutions of similar detected events.

(Column 14; lines 59-61)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring the heuristic module to solicit new responses to detected events based upon previous successful resolutions of similar detected events

of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply configuring the heuristic module to solicit new responses to detected events based upon

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previous successful resolutions of similar detected events of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence" In regard to claim 30

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S. Patent 6,445,774 in view of Harvey and further in view of Paradies U.S. Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose that the heuristic module is configured to present suggested responses to detected events based upon previous successful resolutions of similar detected events. (Column 14; lines 64-67)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring the heuristic module to present suggested responses to detected events based upon previous successful resolutions of similar detected events of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply configuring the heuristic module to present suggested responses to detected events based upon previous successful resolutions of similar detected events of Paradies because as Kidder discloses in the

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background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

In regard to claim 32

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose that the heuristic module is configured to generate responses based upon a predetermined success threshold for previously detected events.

Paradies teaches that the heuristic module is configured to generate responses based upon a predetermined success threshold for previously detected events.(Column 11; lines 16-17 "at any level of analysis is considered as a predetermined success threshold ")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring the heuristic module to generate responses based upon a predetermined success threshold for previously detected events of Paradies into the method for decision analysis and resolution

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of Kidder. A person of ordinary skill in the art would have been motivated to apply configuring the heuristic module to generate responses based upon a predetermined success threshold for previously detected events of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder U.S Patent 6,445,774 in view of Harvey, and further in view of Paradies U.S Patent 6,463,441.

Kidder discloses the method for decision analysis and resolution of parent claims 1,34, and 58.

Kidder does not disclose that the heuristic module is configured to generate responses based upon a predetermined success threshold for previously detected events.

Paradies teaches that the heuristic module is configured to generate responses based upon previous optional responses once a success threshold for the previous optional repos has been reached (Column 11; lines 16-17 "at any level of analysis is considered as a predetermined success threshold")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate configuring the heuristic module to generate

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responses based upon a previous optional responses once a success threshold for the previous optional responses has been reached of Paradies into the method for decision analysis and resolution of Kidder. A person of ordinary skill in the art would have been motivated to apply configuring the heuristic module to generate responses based upon a previous optional responses once a success threshold for the previous optional responses has been reached of Paradies because as Kidder discloses in the background "The present invention relates to the detection, reporting, and resolution of anomalies in network", additionally Paradies discloses "More specifically, the invention is directed to a system for identifying a human action that represents an underlying cause of an incident, and suggesting corrective action to reduce the probability of a future occurrence"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 25, 34, 58, 82 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown U.S. Patent 6,446,058.

Brown discloses a computer method for analyzing and resolving a fault within a computing system, comprising the steps of:

Associating the fault with a root cause; Relating a solution to the fault based on the root cause; Automatically resolving the event, by the

computing system, if the root cause has a statistically significant correlation with a set of tasks leading to the solution; providing information for resolving the event to a user if the root cause does not have a statistically significant correlation with any set of tasks leading to the solution. (Abstract & (Column 7; lines 46-48))

Response to Applicant Argument

Applicant arguments filed on October 20, 2008 have been fully considered. In regard to the principal Kidder argument which states, "Therefore Applicants submit that Kidder fails to disclose at least the elements of "relating a solution to the root cause based on the event and autonomously REPAIRING the root cause when the event can be REPAIRED automatically" Examiner agrees with Applicant and Examiner has introduced Harvey as a new reference to cure the previous short coming. In regard the second argument which states, "Applicants submit that the description of "automatic of manual resolution" relates to automatically or manually being able to determine the proper solution to the problem, not to repairing or correcting the root cause of the event. " Examiner respectfully disagrees. Examiner points Applicant to first, " Thus, there remains an opportunity in the art to provide a notification system, for example, that performs the routine tasks of the CME in analyzing an event to obtain a root cause of an alarm signal and an inference engine for matching the output of the notification system to an appropriate resolution to the alarm.", where Brown discloses that the solution found

are appropriately matched to the root cause of the problem suffered. Additionally, paragraph 10 of the Brown's Patent discloses "The expert system knowledge base 156 stores updates and deletes multiple system faults and associated resolution data organized in related blocks. In order to resolve the system faults, the system requirements for the inference engine 155 of the present invention may include: (i) the identity of the node upon which the error occurs, since the system environment is heterogeneous (multiple different platforms of different vintages); (ii) the symptom(s) reported by the notification system 100; (iii) the error classification which refers to the type of error based upon root cause determination by the notification system 100; (iv) a severity level, for example, ranging from a critical value of 1 to an enhancement value of 5; and (v) **a resolution based upon the predicates (i) through (iv).**"

Predicates I through iv include a root cause, this means that the solution is based not on the problem, but instead the root cause of the problem.

Argument is not valid. In regard the remaining arguments, Examiner states here that they are all based on the same principal Kidder argument, and that the Examiner has addressed this argument previously, in the above answer by introducing Harvey. **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this

final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Amine Riad

Patent Examiner

1/12/2008

/Robert W. Beausoliel, Jr./

Supervisory Patent Examiner, Art Unit 2113